

RILEY A. CLAYTON
Nevada Bar No. 005260
rclayton@lawhjc.com

HALL JAFFE & CLAYTON, LLP
7425 PEAK DRIVE
LAS VEGAS, NEVADA 89128
(702) 316-4111
FAX (702)316-4114

*Attorneys for Defendant,
Samuel Rex*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EMILY DARLING, individually,

Plaintiff,

vs.

SAMUEL REX; DOES I- X, and ROE
CORPORATIONS I - X, inclusive;

Defendants.

CASE NO.: 2:16-cv-02323-JCM-NJK

**STIPULATION TO REMAND
REMOVED ACTION; ORDER
THEREON**

EMILY DARLING (“Plaintiff”) and SAMUEL REX (“Defendant”) stipulate as follows:

1. On July 27, 2016, DARLING commenced an action in Nevada State Court, Eighth Judicial District, entitled EMILY DARLING, individually, Plaintiff, vs. SAMUEL REX, individually; and DOES I through X; and ROE CORPORATIONS I through X, inclusive, Defendants, as Case Number A-16-740716-C (the “Action”).

2. Defendant’s Attorneys of Record, Hall Jaffe & Clayton, LLP, accepted service on his behalf on September 15, 2016.

3. On October 4, 2016, Defendant filed a Notice of Removal of the Action pursuant to 28 U.S.C. § 1332 with the United States District Court for the District of Nevada.

4. On October 4, 2016, Defendant completed the removal process by filing a conformed copy of the Notice of Removal with the Eighth Judicial District Court.

///

5. After some discussion, the Parties have agreed that the Action should be remanded to the Eighth Judicial District Court. To that end, the Parties hereby stipulate that the amount in controversy does not exceed the sum or value of **\$75,000.00**, exclusive of interest and costs. Plaintiff agrees to limit and will be barred from recovering any amount in excess of \$75,000.00 against Defendant for damages allegedly arising out of or relating to the claims and causes of action that Plaintiff has pled or could have pled against Defendant in connection with the Action. This \$75,000.00 cap specifically includes any potential claim, right or entitlement to interest, costs or attorneys' fees.

6. The Parties further stipulate that the Action be remanded to the Eighth Judicial District Court.

7. The Parties further stipulate that to the extent that this case proceeds through trial in the Eighth Judicial District Court, both Parties reserve all appeal rights as available under the Nevada Rules of Appellate Procedure. The right to appeal any finding by the Eighth Judicial District Court will not affect the \$75,000.00 limit on Plaintiff's potential recovery against Defendant.

DATED this 7th day of October, 2016.

HALL JAFFE & CLAYTON, LLP

CLARK MCCOURT

By /s/ Riley A. Clayton
 RILEY A. CLAYTON
 Nevada Bar No. 005260
 7425 Peak Drive
 Las Vegas, Nevada 89128
Attorneys for Defendant,
Samuel Rex

By /s/ Lukas B. McCourt
 BRIAN P. CLARK
 Nevada Bar No. 004236
 LUKAS B. MCCOURT
 Nevada Bar No. 011839
 7371 Prairie Falcon Road, Suite 120
 Las Vegas, Nevada 89128
Attorneys for Plaintiff,
Emily Darling

ORDER

On October 5, 2016, the Parties to the above-referenced action filed a Stipulation to Remand Removed Action. The Court having reviewed the stipulation and good cause appearing, orders as follows:

///

///

2. District of Nevada Case Number 2:16-cv-02323 styled EMILY DARLING v. SAMUEL

REX is hereby remanded to the Eighth Judicial District Court.

DATED October 14 2016.

3